

Response to December 20, 2005 Office Action  
Application No. 10/705,553

**IN THE DRAWINGS**

The originally filed FIG. 7 has been amended by adding the legend "Prior Art".

A corresponding replacement sheet is enclosed.

### **REMARKS**

Claims 10-21 are pending and Claims 1-9 have been withdrawn due to a prior election requirement.

In the Office Action, Claims 10 - 21 were rejected.

Accordingly, Claims 10 - 21 are now at issue.

#### **I. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 10-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Maruyama et al., Japanese Patent Abstracts Publication No. 2001-135811. Applicant respectfully traverses this rejection.

Claim 10 is directed to a method of fabricating a solid state image pickup device. The Office Action contends that all of the limitations recited in Claim 1 are anticipated by elements shown in FIG. 3 of Maruyama.

In the method of Claim 10, an insulating film is provided covering a conductive pattern formed above a substrate with a contact window reaching the conductive pattern, the bottom surface of the contact window is covered with a thin film comprised of at least one of silicon oxide and silicon nitride, and a metallic pattern is formed above the insulating film and in the contact window. As a result, the insulating film reaches but does not cover the contact window, and the metallic pattern is formed above the insulating film and in the contact window.

In contrast, Maruyama discloses that the insulating film 34 covers the electrode layers 3a and 4b (conductive pattern) and the shunt wiring layer 7b which comprises a lamination of layers 13 and 14 (metallic pattern) (See Drawing 3, and Paragraph [0040]).

Moreover, Claim 10 recites that the thin film comprises at least one of silicon oxide and silicon nitride. In contrast, Maruyama discloses that the shunt wiring layers 7b of the laminated film is composed of the nitride layer or oxide layer 14 (thin film) of the high fusion metal and the high fusion metal layer 13. (See Abstract and Paragraph [0042])

Claim 10 further recites a step of performing a heat treatment that causes the thin film and the metallic pattern to react with each other. The heat treatment causes a chemical reaction between the thin film and the metallic pattern. In contrast, Maruyama states in Paragraph [0046]:

“Furthermore, after the insulator layer 35 on the protection-from-light layer 8 forms this insulator layer 35, at a 800-900-degree C elevated temperature, it heat-treats and it is formed so that it may mention later. A reflow of the insulator layer 35 is carried out by this heat treatment, and it becomes the configuration which has a crevice and is formed in the front face for forming the lens 37 in a layer.”

Thus, in Maruyama the heat treatment causes the insulating layer 35, which is formed above the insulating layer 34, thereby forming the lens-shape portion 37 to reflow but does not cause the thin film and the metallic pattern to react with each other (See Paragraph [0046]).

Accordingly, Maruyama fails to anticipate Claim 1.

Regarding the Claim 11 rejection, the method of Claim 11 recites a first step of providing an insulating film formed over a substrate with a contact window reaching the substrate, covering the bottom surface of the contact window with a thin film comprised of at least one of silicon oxide and silicon nitride, and forming a metallic pattern above the insulating film and in the contact window.

As a result, the insulating film reaches but does not cover the contact window, and the metallic pattern is formed above the insulating film and in the contact window.

In contrast, Maruyama discloses that the insulating film 34 covers the electrode layers 3a and 4b (conductive pattern) and the shunt wiring layer 7b which comprises a lamination of layers 13 and 14 (metallic pattern) (See Drawing 3, and Paragraph [0040]).

As the other steps of Claim 11 parallel those of Claim 10 already discussed above, Maruyama also fails to anticipate Claim 11 for the same reasons.

Accordingly, Claims 10 and 11 are allowable over Maruyama, as are their respective dependent claims.

No claims were rejected as obvious in view of the cited art, and thus no counter argument is presented herein. However, Applicant reserves the right to address such rejection should it be made. In any event, the cited art fails to suggest the features noted above as lacking in the prior art.

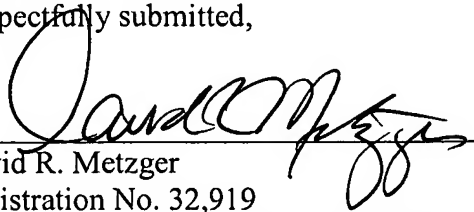
**II. Conclusion**

In view of the above remarks, Applicant submits that Claims 10 -21 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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